

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49457 of 2022

Arising Out of PS. Case No.-212 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

MANISH KUMAR SINGH S/o Upendra Kumar Singh @ Upendra Singh @
Ravan R/o village- Awari, P.S.- Mohania, District- Kaimur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ramchandra Singh, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner seeks bail in a case instituted for the
offences under Sections 8(C), 21(a) of the N.D.P.S. Act

The prosecution case, in short, is that 290 mg. of
heroin has been recovered.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 22.04.2022. Charge-
sheet/prosecution report has been submitted in this case. There
is no allegation of tampering of witnesses alleged against the
petitioner. The petitioner has been made accused due to mistake



of fact. The petitioner has falsely been implicated in the present case. The name of the petitioner has transpired in the present case on the basis of confessional statement of co-accused. As per allegation, 290 mg. heroine is alleged to have been recovered from one Chhotu Singh. There is no recovery of any contraband from the possession of the petitioner. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Kaimur, Bhabua in connection with Kudra P.S. Case No. 212/2020.

(Sudhir Singh, J)

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